



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,388	12/21/1999	NELSON L. YAPLE	42390.P7088	2337

7590 12/16/2003

ALOYSIUS T C AUYEUNG
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD 7TH FL
LOS ANGELES, CA 900251026

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,388

Applicant(s)

YAPLE, NELSON L.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,14-16,18-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,14-16,18-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2157

1. This action is responsive to the amendment filed on March 19, 2003. Claims 1, 10, 14, 15, 23, and 25-26 were amended. Claims 1, 3-10, 14-16, 18-21, and 23-28 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-10, 14-16, 18-21, and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Imai et al., U.S. Patent No. 6,507,611.

Imai teaches the invention as claimed including a method and system for selecting one of a plurality of digital audio decoding methods (see abstract).

As to claim 1, Imai teaches an audio-rendering device, and a method comprising: receiving at the audio-rendering device, data comprising digital audio data transmitted across a network from an audio host (see figs. 1-2; col. 5-6);

determining whether received digital audio data is encoded according to one of at least two coding schemes (see figs. 1-10; col. 7-8, Imai discloses that a decoding method id is inserted into the transmitted audio data);

selecting a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded; decoding the encoded digital -audio data in accordance with the selected decoding scheme; and converting the received digital audio data to analog audio for output (see col. 7-11, Imai discloses that one of

Art Unit: 2157

several decoding schemes are used then the decoded data is outputted to analog audio output device).

As to claim 3, Imai teaches the method according to claim 1, further comprising encoding the digital audio data at the audio host (see coll 7-8, Imai discloses that the audio data is encoded at the server).

As to claim 4, Imai teaches the method according to claim 1, wherein determining whether the received digital audio data is encoded according to one of the at least two coding schemes comprises determining whether the received digital audio data is encoded according to coding schemes including mp3, wav, au, and aiff (see col. 7-10).

As to claim 5, Imai teaches the method according to claim 1, wherein receiving digital audio data comprises receiving a plurality of digital audio data segments and reconstructing the digital audio data from the received plurality of digital audio data segments (see col. 7-8).

As to claim 6, Imai teaches the method according to claim 5, wherein determining whether the received digital audio data is encoded according to one of at least two coding schemes comprises identifying an indicator code included within at least one of the plurality of digital audio data segments (see col. 8).

As to claim 7, Imai teaches the method according to claim 1, further comprising:
determining whether the received digital audio data is compressed; and
decompressing the compressed digital audio data based upon the selected decoding scheme (see col. 9-21).

As to claim 8, Imai teaches the method according to claim 7, further comprising providing as output the analog audio to an amplification device (see col. 7-10).

As to claim 9, Imai teaches the method of claim 1, wherein the digital audio data is received across at least one of a plurality of networks including a phone line network, a powerline network, and a HomeRF network (see col. 7-8).

Claims 10, 14-16, 18-21, and 23-28 do not teach or define any new limitations above claims 1, 3-9 and therefore are rejected for similar reasons.

Art Unit: 2157

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157